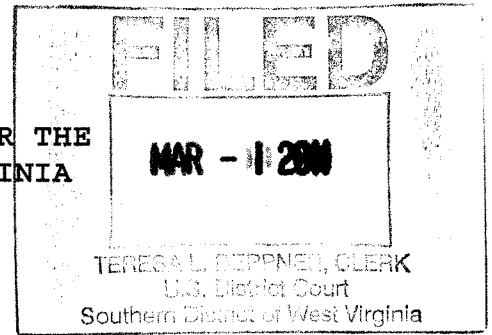


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY GRAND JURY 2010
MARCH 1, 2011 SESSION

SEALED



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

3:11-00054

ERNEST JAMES JOHNSON

21 U.S.C. § 841(a) (1)
18 U.S.C. § 2
18 U.S.C. § 924(c) (1) (A)
18 U.S.C. § 922(g) (1)
18 U.S.C. § 924(a) (2)

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

On or about July 7, 2009, at approximately 1:19 p.m., at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a) (1).

COUNT TWO

On or about July 7, 2009, at approximately 1:52 p.m., at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

On or about July 7, 2009, at approximately 3:05 p.m., at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

On or about May 11, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE

On or about May 18, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON aided and abetted another in the knowing and intentional distribution of a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SIX

On or about June 9, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN

On or about June 17, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHT

On or about June 29, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT NINE

On or about June 29, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TEN

On or about June 29, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON did knowingly carry a CZ, .32 caliber pistol, during and in relation to a drug trafficking crime for which defendant may be prosecuted in a court of the United States, that is, distribution of a quantity of cocaine base, also known as "crack," a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT ELEVEN

1. On or about June 29, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON did knowingly possess a CZ, .32 caliber pistol, in or affecting interstate commerce.

2. At the time defendant ERNEST JAMES JOHNSON possessed the aforesaid firearm, he had been convicted of crimes, each of which were punishable by a term of imprisonment exceeding one year as defined in 18 U.S.C. § 921(a)(20), that is:

a. Convicted on or about December 16, 1996, in the Twenty-Third Judicial Court for Ascension Parish, Louisiana of the felony offense of Simple Burglary of a Dwelling, in violation of Louisiana Revised Statutes § 14.62;

b. Convicted on or about June 17, 1997, in the Twenty-First Judicial Court for Tangipahoa Parish, Louisiana of the felony offense of Indecent Behavior with a Juvenile, in violation of Louisiana Revised Statutes § 14.81;

c. Convicted on or about January 29, 2007, in the Circuit Court of Cabell County, West Virginia of the felony offense of 1st Degree Robbery, in violation of West Virginia Code § 61-2-12.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT TWELVE

On or about July 1, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THIRTEEN

On or about July 2, 2010, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant ERNEST JAMES JOHNSON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE

In accordance with 28 U.S.C. § 2461(c), 18 U.S.C. § 924(d)(1), and Rule 32.2(a) of the Federal Rules of Criminal Procedure, and premised upon the conviction of the defendant ERNEST JAMES JOHNSON of a knowing violation of Title 18, United States Code, Section 922(g)(1) and/or Title 18, United States Code, Section 924(c)(1)(A) as set forth in this Indictment, the defendant shall forfeit to the United States any firearm or ammunition involved in or used in such firearms offense including, but not limited to one CZ, .32 caliber pistol which was possessed by the defendant on or about June 29, 2010 and seized by the Huntington Police Department on or about July 16, 2010.

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II
United States Attorney

By: 

JOSEPH F. ADAMS

Special Assistant United States Attorney